FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 4534 OF 2004.

Dashrath Laxman Sawant. .. Applicant.
vs.
The State of Maharashtra. .. Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders. : Court's or Judge's orders :

Shri P.M. Pradhan for the applicant.
Shri Raja Thakare with
A.M.Chimalkar,Spl.P.P.l for C.B.I.
Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 22-2-2005.

P.C.:

1. Heard learned Counsel appearing for the applicant, learned Sp.P.P. for C.B.I. and learned A.P.P. for the State.

2. This is an application for bail filed by the applicant against whom charge-sheet has been filed under provisions of M.C.O.C. Act read with section 120-B of the I.P.C. Prosecution case is that the applicant is printing counterfeit stamp paper and other counterfeit material along with other accused. Prosecution case is that there was conspiracy hatched by A.K.L. Telgi and others. The applicant was expert in printing and, therefore, he was employed by the said A.K.L. Telgi. Learned

Counsel for the applicant submitted that confession which is recorded under section 18 of the M.C.O.C. Act cannot be relied upon for the purpose of coming to the conclusion that applicant is involved in the said offence. He submitted that precautions which are required to be taken for recording the said confession as spelt out by Rule 3 of the said Rules are not taken and as such, there is serious lacuna in recording the said confessional statement. Learned Counsel for the applicant also relied upon statements of other witnesses in order to demonstrate that some of the other workers working in the said firm have not ben arrayed as accused and they were unaware about the main conspiracy. He submitted that applicant was employed in the said printing press and he was not aware about general conspiracy which was hatched by principal accused A.K.L. Telgi. He submitted that the applicant was arrested on 29th June 2002 though he was had resigned from the job in 2001.

3. Respondents have filed detailed affidavit in which it is stated that there was a conspiracy hatched by A.K.L. Telgi and associates for printing counterfeit

stamp papers and that a specific role was given to the applicant who was expert in printing and that he was a member of the conspiracy. In my view, this is not a fit case to grant bail. Confessional statement of the applicant has been recorded under section 18 of the M.C.O.C. Act and correctness and genuineness of the confession can be taken into consideration at the time of final hearing of the appeal. Applicant has been arrayed as accused as a member of the conspiracy which was hatched for printing counterfeit stamp papers. Sanction was granted under section 23 (1) and (2) of the M.C.O.C. Act. In the circumstances, application for bail is rejected.